

210
GENERAL ORDERS, }
No. 205.

WAR DEPARTMENT,
ADJUTANT GENERAL'S OFFICE,
Washington, July 3, 1863.

I. Before a General Court Martial, which convened at Fort Columbus, New York harbor, March 24, 1863, pursuant to Special Orders, No. 13, dated February 7, 1863; No. 16, dated February 10, 1863; No. 17, dated February 11, 1863; No. 30, dated March 2, 1863; and No. 34, dated March 13, 1863, Headquarters, Department of the East, New York city, and of which Colonel G. LOOMIS, 5th United States Infantry, is President, was arraigned and tried—

Lance Corporal *John Clary*, Company "A," Permanent Party.

CHARGE I.—"Conduct prejudicial to good order and military discipline."

Specification 1st—"In this; that said *John Clary*, Lance Corporal, Company 'A,' Permanent Party, being on duty in the Quartermaster and Commissary Department at Fort Columbus, New York harbor, did, at various times from, on, or about May 19, 1862, to the 19th day of March, 1863, steal from the Quartermaster's storehouse at said post, and from various other places at said post, various articles of Government property, consisting in part of the following, viz: seven bed sacks, one soldier's overcoat, two* pairs trowsers, one tent cover, twenty bed sacks, six blankets, five dozen knives, five dozen forks, twenty-six bars soap, two tents, four Regimental Record Books of 8th Infantry, United States Army, one hatchet, one telescope and case, all the property of the United States, and one dress hat and epaulettes, the property of Captain Marston, 1st Infantry; and did feloniously take and remove the said property from said post during the time aforesaid, and secrete the same in a certain house in the city of Brooklyn. All this at Fort Columbus, New York harbor, and at the city of Brooklyn, Long Island, where said property was found to the value of \$50 and upwards."

Specification 2d—"In this; that said Lance Corporal *John Clary*, Company 'A,' Permanent Party, did, on or about March 18th, feloniously take and remove from Fort Columbus, New York harbor, about twenty-nine pairs of trowsers, the property of the

United States, and which was found in his possession in Brooklyn, whither he had carried it with an intent to steal and dispose of the same. All this at Fort Columbus, New York harbor, on or about March 18, 1863."

CHARGE II.—"Desertion."

Specification—"In this; that said Lance Corporal *John Clary*, Company 'A,' Permanent Party, did desert the service of the United States on or about March 18th, and did remain absent till on or about March 19th, when he was apprehended by a member of the Metropolitan Police and delivered at this post. All this at Fort Columbus, New York harbor."

To which charges and specifications the accused, Lance Corporal *John Clary*, Company "A," Permanent Party, pleaded as follows:

CHARGE I.

Of the 1st *Specification*, "Guilty."

Of the 2d *Specification*, "Guilty."

Of the CHARGE, "Guilty."

CHARGE II.

Of the *Specification*, "Guilty, except the word 'desert.'"

Of the CHARGE, "Not Guilty, but Guilty of absence without leave."

FINDING.

The Court, having maturely considered the evidence adduced, finds the accused, Lance Corporal *John Clary*, Company "A," Permanent Party, as follows:

CHARGE I.

Of the 1st *Specification*, "Guilty."

Of the 2d *Specification*, "Guilty."

Of the CHARGE, "Guilty."

CHARGE II.

Of the *Specification*, "Guilty, except the word 'desert.'"

Of the CHARGE, "Not Guilty, but Guilty of absence without leave."

SENTENCE.

And the Court does therefore sentence him, Lance Corporal *John Clary*, Company "A," Permanent Party, "*To be dishonorably discharged the service, forfeiting all pay and allowances now due, or that may become due, and to be confined for five years in the Penitentiary in the District of Columbia.*"

II. The proceedings of the Court in the above case have been approved by the Major General Commanding the Department of the East, and forwarded for the action of the President of the United States, who approves the sentence, and directs that it be carried into effect. The prisoner will be sent under guard to Albany, N. Y., and delivered to the Warden of the State prison there.

BY ORDER OF THE SECRETARY OF WAR:

E. D TOWNSEND,
Assistant Adjutant General.